

FCC MAIL SECTION
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JAN 15 2 15 AM '93

14 JAN 1993

IN REPLY REFER TO:
1800B3-BJBCumberland Communities
Communications, Corp.
Route 1, Box 808
Duff, TN 37729The Moody Bible Institute
of Chicago
820 N. LaSalle Drive
Chicago, IL 60610

94-27

File

In re: NEW(FM), Pioneer, TN
Cumberland Communities
Communications, Corp.
BPED-920508MDNEW(FM), Crossville, TN
The Moody Bible Institute of
Chicago
BPED-920810MA

Dear Applicants:

Preliminary engineering reviews of the subject applications reveal that the proposed facilities would result in mutual electrical interference if they were constructed as specified in the subject applications. Specifically, the 40 dBu interfering contour of application BPED-920810MA overlaps the 60 dBu protected contour of application BPED-920508MD, in violation of 47 C.F.R. § 73.509. (See the attached contour plot.) Thus the applications are considered to be mutually exclusive as they now stand. Grant of either of these applications would come only after a comparative hearing.

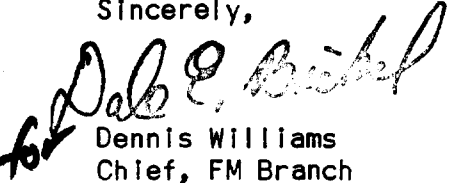
The policy of the Commission is to avoid sending educational applications to hearing, if at all possible, so that the substantial delays and expenses involved in the hearing can be avoided. This policy finds its underpinnings in the inability of many educational applicants to bear the costs (such as legal fees) that they would incur in prosecuting mutually exclusive applications through the hearing process.

Accordingly, we are taking this opportunity to make you aware of your application's mutual exclusivity. We will withhold further action with respect to the subject applications for a period of sixty (60) days so that you have an opportunity to evaluate the situation and hopefully take such steps as would remove the mutual exclusivity. Possible alternatives include the use of directional antennas for mutual protection, decreases in operating powers or antenna heights, and frequency changes to increase the spectral separation of the proposed facilities. Share-time agreements between mutually exclusive educational applicants have also been employed to avoid designating their applications for hearing.

In sum, we urge you to communicate with each other concerning the mutual exclusivity issue and, if possible, to amend your applications so as to remove the present conflict between them.

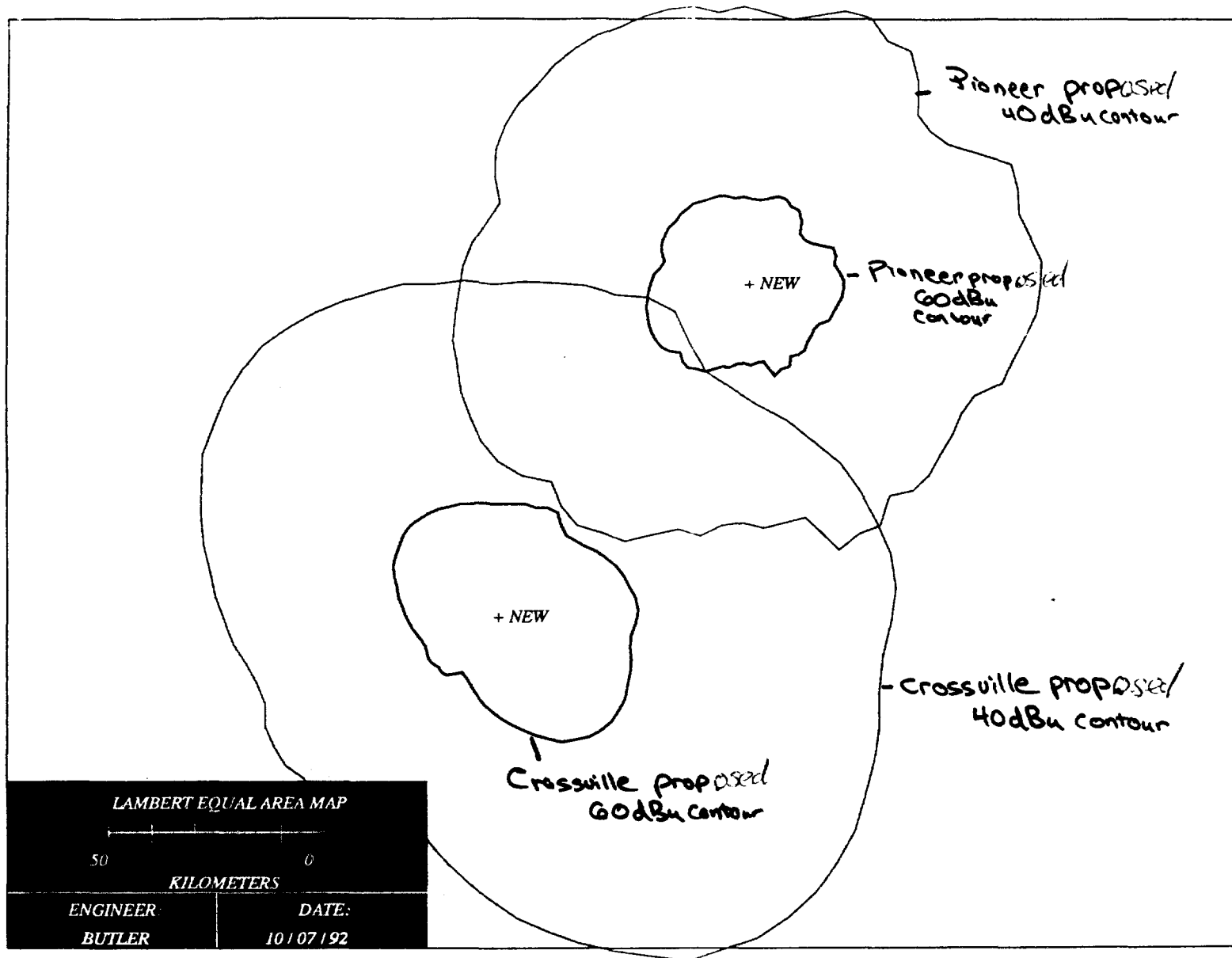
Action on these two applications will be deferred for 60 days, to allow you the opportunity to negotiate and submit any necessary amendments. Failure to respond within this time period will result in these applications being designated for comparative hearing. Please note that any response must be submitted in triplicate through the Office of the Secretary and signed in the same manner as the original application.

Sincerely,

for 
Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

cc: McCampbell & Young
Mr. Dwight R. Magnuson
Southmayd & Miller
Lechman & Johnson, Inc.

Attachment



THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP

BOTTOM LATITUDE: 35.09 TOP LATITUDE: 37.05 LEFT LONGITUDE: -85.93 RIGHT LONGITUDE: -83.34

MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 36.07 LONG: -84.64 GRID SPACING: 0.00

KILOMETERS / INCH = 35.85

PLOT MADE ON : 7 October, 1992 7:50 HOURS

call	serv	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1	A7
NEW	FM	920810MA	60.0 dBu (50,50)	207	0.500	425.0	930.0	2307.1 sq km	0	0
NEW	FM	920810MA	40.0 dBu (50,10)	207	0.500	425.0	930.0	19418.2 sq km	0	0
NEW	FM	BPED920508MD	60.0 dBu (50,50)	207	0.300	234.0	750.0	1445.1 sq km	0	0
NEW	FM	BPED920508MD	40.0 dBu (50,10)	207	0.300	234.0	750.0	13306.8 sq km	0	0